IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 31ST JULY 2007 / 9TH SRAVANA 1929

WP(C).No. 23427 of 2007(L)

AGAINST THE ORDER IN EP.168/07 IN OS.763/2004 of MUNSIFF COURT, NORTH PARAVUR
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PETITIONERS:
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1. **B. GOPAN, S/O T.G. BALAKRISHNAN PILLAI, AGED 45 YEARS, USHAVILAS, VAHIKULANGARA, NORTH PARAVUR.**

2. **B. SASIKUMAR, S/O T.G. BALAKRISHNAN PILLAI, AGED 49 YEARS, KRISHNARPANAM, KOLAZHY, THRISSUR.**

BY ADV. SRI.C.AJITH KUMAR

RESPONDENTS:
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1. **N.S.S. KARAYOGAM, NO.943, KIZHAKKEPRAM, REPRESENTED BY ITS PRESIDENT, M.K. CHANDRASEKHARA MENON.**

2. **V. PRASANNA, D/O RAJAMMA, USHAVILASAM, KOTTUVALLY VILLAGE, PARAVUR TALUK.**

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

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W.P.C. NO. 23427 OF 2007

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Dated this the 31st day of July, 2007.

J U D G M E N T

This writ petition is filed challenging the order of the learned Munsiff, North Paravur directing attachment of salary of Rs.2,000/- from R1 and R2. The grievance is that the Court did not give them any opportunity to file their counter statement and further the Court had not stated how Rs.2,000/- per month is attachable. The total decree amount comes to Rs.11,593/-.

2. A perusal of the papers produced would show that the Court was really in haste in passing orders of attachment of salary. Breathing time should have been given to the judgment debtors to file their counter statement. Therefore, the order under challenge is set aside and the Court below is directed not to attach the salary till the respondents file their counter and a considered order is passed. But, the writ petitioners are directed to pay a sum of Rs.2,000/- to the decree holder or his counsel and further orders regarding the

mode of payment etc. can be decided by the Court below after hearing all sides.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

ul/-